

Notice of Allowability

Application No.

10/035,615

Examiner

Tilahun B Gesesse

Applicant(s)

HASEGAWA ET AL.

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/16/04.
2. ☒ The allowed claim(s) is/are 13-21.
3. ☒ The drawings filed on 07 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/29/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This is in response to applicant's amendment and in view of applicant's remarks, filed December 16, 2004, in which claims 1-12 have been deleted and claims 13-21 are pending

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Stobbs on March 29, 2005.

3. The application has been amended as follows:

In claim 13, line 12, after the term determines, --at least--has been inserted and after quality "or a plurality of qualities" has been deleted.

In claim 13, line 15, after quality "or qualities" has been deleted.

In claim 13, line 18, after quality "or qualities" has been deleted.

In claim 14, line 1, after claim "1" has been deleted instead --13-- has been inserted.

In claim 15, line 1, after claim "1" has been deleted instead --13--has been inserted.

In claim 16, line 1, after claim "1" has been deleted instead --13--has been inserted.

In claim 17, line 1, after claim "4" has been deleted instead ~~–16–~~has been inserted.

In claim 18, line 1, after claim, "4" has been deleted instead ~~–16–~~has been inserted.

In claim 19, line 1, after claim, "1" has been deleted instead ~~–13–~~has been inserted.

In claim 20, line 11, after determining, ~~--at least--~~ has been inserted and after quality "or a plurality" has been deleted.

In claim 20, line 14, after quality "or qualities" has been deleted.

In claim 20, line 17, after quality "or qualities" has been deleted.

In claim 21, line 12, after determining, ~~--at least--~~has been inserted and after quality "or a plurality of qualities" has been deleted.

In claim 21, line 15, after quality, "or qualities" has been deleted.

In claim 21, line 18, after quality "or qualities" has been deleted.

4. Claims 13-21 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance: the prior art (Ishigaki et al US 6,271, 455) teaches a music piece distributing apparatus receives a request signal including musical pieces identification information and compressing system from receiving apparatus and transmitting music pieces data (abstract).

On the other hand, the present application specifically teaches a determining device that determines at least one quality of music data that can be used by the external device for the searched music data in accordance with the terminal

identification information; a first transmitter that transmits information regarding to the determined quality of the searched music data to the external device; a second receiver that receives selection information regarding to selection of the quality from the determined quality of the searched music data from the external device; a converter that converts the searched music data to music data having the selected quality in accordance with the received selection information; and a second transmitter that transmits the converted music data having the selected quality to the external device. These limitations, in conjunction with all other limitations of the independent claims, have not been disclosed, taught or made obvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tilahun Gesesse
Primary Examiner
US Patent and Trademark Office
Tel. 703-308-5873
March 28, 2005


TILAHUN GESESSE
PRIMARY EXAMINER